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TO: Commissioner for Patents

FAX NO.: 571-273-8300

FROM: Keith Taboada, Esq.

DATE: February 8, 2006

MATTER: Serial No. 10/821,310 Filed: April 8, 2004

DOCKET NO.: 8549/ETCH/DRIE/JB1

APPLICANT: Bera, et al.

The following has been received in the U.S. Patent and Trademark Office on the date of this facsimile:

<input type="checkbox"/> Petition	<input type="checkbox"/> Transmittal Letter (2 copies)
<input type="checkbox"/> Disclosure Statement & PTO-1449	<input type="checkbox"/> Fee Transmittal (2 copies)
<input type="checkbox"/> Priority Document	<input type="checkbox"/> Deposit Account Transaction
<input type="checkbox"/> Drawings (<u> </u> sheets) informal	<input checked="" type="checkbox"/> Facsimile Transmission Certificate
<input type="checkbox"/> Amendment	dated <u>February 8, 2006</u>
<input checked="" type="checkbox"/> Petition to Restart Period for Reply (2 pages)	<input type="checkbox"/>
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Allyson M. DeVestry
 Name of person signing this certificate

Allyson M. DeVestry
 Signature

436246

PETITION TO RESTART PERIOD FOR REPLY
Serial No. 10/821,310
Page 1 of 2

IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

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FEB 08 2006

Applicant: Bera, et al.

Case: 8549/ETCH/DRIE/JB1

Serial No.: 10/821,310

Filed: April 8, 2004

Examiner: Zervigon, Rudy

Group Art Unit: 1763

Confirmation No.: 9721

**TITLE: APPARATUS FOR CONTROLLING GAS FLOW IN A
SEMICONDUCTOR SUBSTRATE PROCESSING CHAMBER**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being transmitted by facsimile under 37 C.F.R. §1.8 on February 8, 2006 and is addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, Facsimile No: (571) 273-8300.

2-8-06
Date

Allyson M. Nesty
Signature

SIR:

PETITION TO RESTART PERIOD FOR REPLY

The Applicants respectfully request that the statutory period for reply for the Office Action dated November 4, 2005 be restarted as set forth in MPEP 710.06 due to late receipt of the Office Action. The Office Action was received at the correspondence address on February 6, 2006, and as such, this Petition is filed within two weeks of the date of receipt. This Petition is being submitted as a substantial portion, i.e., a period in excess of three months, of the statutory response period has elapsed prior to receipt of the Office Action. This Petition includes:

a copy of the Office Action having the date of receipt stamped thereon; and

a copy of the envelope that contained the Office Action having the date of receipt stamped thereon.

436092

PETITION TO RESTART PERIOD FOR REPLY
Serial No. 10/821,310
Page 2 of 2

Thus, the Applicants submit that the substantial difference between the postmarked date of February 2, 2006 and the date mailed of November 11, 2005 is evidence of a delay in receipt of the Office Action through no fault of the Applicants. As such, the Applicants respectfully request the period for reply be restarted.

Although Applicants believe that no fees are due in connection with this response, the Commissioner is hereby authorized to charge counsel's Deposit Account No. 20-008549 for any fees, including extension of time fees or other fees, required to make this response timely and acceptable to the Office.

If, however, the Examiner believes that any unresolved issues still exist, it is requested that the Examiner telephone Mr. Keith Taboada at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

Feb 8, 2006


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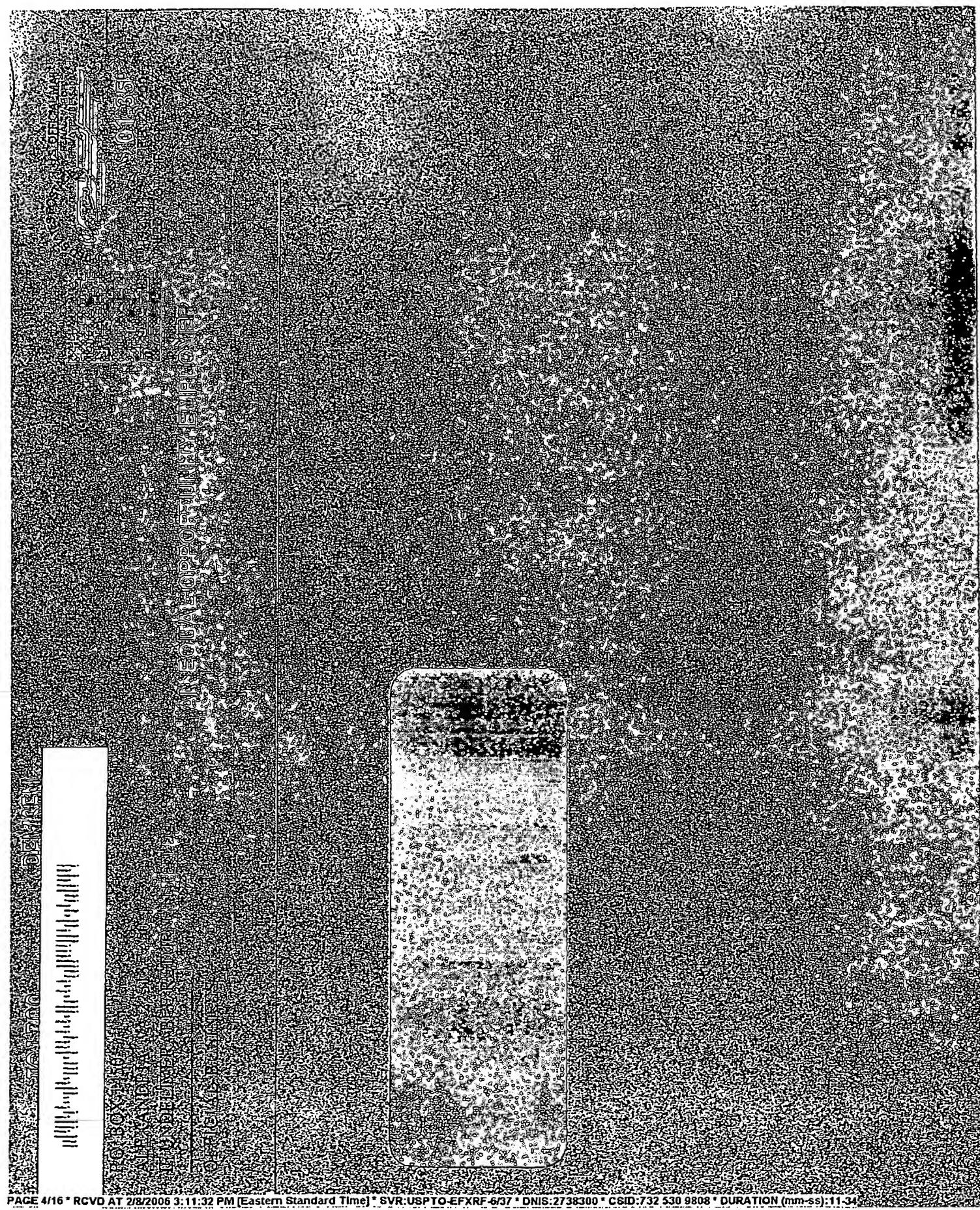
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,310	04/08/2004	Kallol Berna	8549/ETCH/DRIE/JB1	9721
55649	7590	11/04/2005	EXAMINER	
ZERVIGON, RUDY				
ART UNIT		PAPER NUMBER		
1763				

DATE MAILED: 11/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



Office Action Summary	Application No.	Applicant(s)
	10/821,310	BERA ET AL.
	Examiner	Art Unit
	Rudy Zervigon	1763

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 22 November 2005.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-3,5-11,13-16 and 18-25 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-3,5-11,13-16 and 18-25 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____

Application/Control Number: 10/821,310
Art Unit: 1763

Page 2

DETAILED ACTION***Claim Rejections - 35 USC § 102***

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claim 23 is rejected under 35 U.S.C. 102(b) as being anticipated by Komino; Mitsuaki et al. (US 6,156,151 A). Komino teaches a semiconductor substrate processing system (Figure 1; column 3, line 60 - column 4, line 54) comprising: a processing chamber (CC; Figure 1) a substrate support pedestal (114; Figure 1, 4) disposed in the chamber (CC; Figure 1); a gas inlet (106; Figure 2) formed in the chamber (CC; Figure 1) above the pedestal (114; Figure 1, 4) for supplying a process gas into a process region (101; Figure 1) above the support pedestal (114; Figure 1, 4); an exhaust port (112a, 2; Figure 1) formed in a wall of the chamber (CC; Figure 1) and a restrictor plate (118a; Figures 2-4, column 6, lines 26-41) supported within the semiconductor processing chamber (CC; Figure 1) in a laterally spaced-apart relation relative to the substrate support pedestal (114; Figure 1, 4) and sidewalls of the processing chamber (CC; Figure 1), the restrictor plate (118a; Figures 2-4, column 6, lines 26-41) at least partially circumscribing the substrate support pedestal (114; Figure 1, 4) and adapted to control the flow of at least one gas flowing between the process region (101; Figure 1) and the exhaust port (112a, 2; Figure 1), as claimed by claim 23.
3. Claims 23 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Li; Yicheng et al. (US 6448536 B2). Li teaches a semiconductor substrate processing system (Figure 1; column 4, lines 13-33) comprising: a processing chamber (2; Figure 1) a substrate support pedestal (3; Figure 1) disposed in the chamber (2; Figure 1); a gas inlet (21; Figure 1) formed in

Application/Control Number: 10/821,310
Art Unit: 1763

Page 3

the chamber (2; Figure 1) above the pedestal (3; Figure 1) for supplying a process gas into a process region (2; Figure 1) above the support pedestal (3; Figure 1); an exhaust port (27a; Figure 1) formed in a wall (1; Figure 1) of the chamber (2; Figure 1) and a restrictor plate (26; Figure 1,2; column 5; lines 35-54) supported within the semiconductor processing chamber (2; Figure 1) in a laterally spaced-apart relation relative to the substrate support pedestal (3; Figure 1) and sidewalls of the processing chamber (2; Figure 1), the restrictor plate (26; Figure 1,2; column 5; lines 35-54) at least partially circumscribing the substrate support pedestal (3; Figure 1) and adapted to control the flow of at least one gas flowing between the process region (2; Figure 1) and the exhaust port (27a; Figure 1), as claimed by claim 23. Li further teaches the system (Figure 1; column 4, lines 13-33) of claim 23, wherein the restrictor plate (26; Figure 1,2; column 5; lines 35-54) further comprises a plurality of removable arc segments – Figure 2 shows element 26 separated at 120° increments, as claimed by claim 24

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 1-3, 5, 6, 9-11, 14-16, 18, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Komino; Mitsuaki et al. (US 6,156,151 A) in view of Yonenaga; Tomihiro et al. (US 5972114 A). Komino teaches Apparatus (Figure 1; column 3, line 60 - column 4, line 54) for controlling the flow of a gas between a process region (101; Figure 1) and an exhaust port (112a, 2; Figure 1) in a semiconductor substrate processing chamber (CC; Figure 1), comprising; at least one restrictor plate (118a; Figures 2-4, column 6, lines 26-41) supported within the semiconductor processing chamber (CC; Figure 1) and adapted to at least partially circumscribe

Application/Control Number: 10/821,310
Art Unit: 1763

Page 4

a substrate support pedestal (114; Figure 1, 4), the restrictor plate (118a; Figures 2-4, column 6, lines 26-41) adapted to control the flow of at least one gas flowing between the process region (101; Figure 1) and the exhaust port (112a, 2; Figure 1), as claimed by claim 1

Komino further teaches:

- i. The apparatus (Figure 1; column 3, line 60 - column 4, line 54) of claim 1, further comprising: a base (LC; Figure 1) adapted to be coupled to a bottom of the processing chamber (CC; Figure 1); and a support ring (111b; Figure 1,2) coupled to the base (LC; Figure 1) in a vertically spaced apart orientation, wherein the at least one restrictor plate (118a; Figures 2-4, column 6, lines 26-41) is coupled to the support ring (111b; Figure 1,2), as claimed by claim 2
- ii. The apparatus (Figure 1; column 3, line 60 - column 4, line 54) of claim 2, wherein the at least one restrictor plate (118a; Figures 2-4, column 6, lines 26-41) is configured to be laterally spaced apart from the substrate support pedestal (114; Figure 1, 4) and an interior wall of the processing chamber (CC; Figure 1), as claimed by claim 3
- iii. The apparatus (Figure 1; column 3, line 60 - column 4, line 54) of claim 1, wherein the at least one restrictor plate (118a; Figures 2-4, column 6, lines 26-41) having an annular shape which at least partially circumscribes the substrate support pedestal (114; Figure 1, 4), as claimed by claim 6
- iv. The apparatus (Figure 1; column 3, line 60 - column 4, line 54) of claim 1, wherein the at least one restrictor plate (118a; Figures 2-4, column 6, lines 26-41) further comprises a plurality of restrictor plates (118a; Figures 2-4, column 6, lines 26-41), wherein each

Application/Control Number: 10/821,310
Art Unit: 1763

Page 5

restrictor plate (118a; Figures 2-4, column 6, lines 26-41) abuts at least one other restrictor plate (118a; Figures 2-4, column 6, lines 26-41), as claimed by claim 9

- v. The system (Figure 1; column 3, line 60 - column 4, line 54) of claim 10, wherein the at least one restrictor plate (118a; Figures 2-4, column 6, lines 26-41) is a plurality of restrictor plates (118a; Figures 2-4, column 6, lines 26-41) having an arcuate shape, as claimed by claim 14
- vi. The system (Figure 1; column 3, line 60 - column 4, line 54) of claim 14, wherein the plurality of restrictor plates (118a; Figures 2-4, column 6, lines 26-41) substantially surround the substrate support pedestal (114; Figure 1, 4), as claimed by claim 15
- vii. The system (Figure 1; column 3, line 60 - column 4, line 54) of claim 15, wherein at least a portion of an outer edge of the plurality of restrictor plates (118a; Figures 2-4, column 6, lines 26-41) reduces a gap defined between the outer edge and an inner wall of the chamber (CC; Figure 1) proximate the exhaust port (112a, 2; Figure 1), as claimed by claim 16
- viii. The system (Figure 1; column 3, line 60 - column 4, line 54) of claim 10, wherein the one restrictor plate (118a; Figures 2-4, column 6, lines 26-41) has an annular shape which substantially surrounds the substrate support pedestal (114; Figure 1, 4), as claimed by claim 18

Komino does not teach a plurality of support pins supporting Komino's restrictor plate (118a; Figures 2-4, column 6, lines 26-41) as claimed by amendend claim 1.

Komino further does not teach:

Application/Control Number: 10/821,310
Art Unit: 1763

Page 6

- i. The apparatus (Figure 1; column 3, line 60 - column 4, line 54) of claim 3, wherein the support pins (113, 116; Figure 2) retain the supporting ring (111b; Figure 1,2) in a non-parallel orientation with respect to a plane defined by a substrate support (114; Figure 1, 4) surface of the substrate support pedestal (114; Figure 1, 4), as claimed by claim 5
- ii. A semiconductor substrate processing system (Figure 1; column 3, line 60 - column 4, line 54) comprising: a processing chamber (CC; Figure 1); a substrate support pedestal (114; Figure 1, 4) disposed in the chamber (CC; Figure 1); a gas inlet (106; Figure 2) formed in the chamber (CC; Figure 1) above the pedestal (114; Figure 1, 4) for supplying a process gas into a process region (101; Figure 1) above the support pedestal (114; Figure 1, 4); an exhaust port (112a, 2; Figure 1) formed in a wall of the chamber (CC; Figure 1) and at least one restrictor plate (118a; Figures 2-4, column 6, lines 26-41) supported within the semiconductor processing chamber (CC; Figure 1) by a plurality of support pins and at least partially circumscribing the substrate support pedestal (114; Figure 1, 4) , the restrictor plate (118a; Figures 2-4, column 6, lines 26-41) adapted to control the flow of at least one gas flowing between the process region (101; Figure 1) and the exhaust port (112a, 2; Figure 1), as claimed by claim 10
- iii. The system (Figure 1; column 3, line 60 - column 4, line 54) of claim 10, further comprising: a base (LC; Figure 1) adapted to be coupled to a bottom of the processing chamber (CC; Figure 1); and a support ring (111b; Figure 1,2) coupled to the base (LC; Figure 1) via a plurality of support pins in a vertically spaced apart orientation wherein the at least one restrictor plate (118a; Figures 2-4, column 6, lines 26-41) is coupled to the support ring (111b; Figure 1,2), as claimed by claim 11

Application/Control Number: 10/821,310
Art Unit: 1763

Page 7

iv. The system (Figure 1; column 3, line 60 - column 4, line 54) of claim 23 further comprising: a plurality of support pins coupling the restrictor plate (118a; Figures 2-4, column 6, lines 26-41) to a bottom of the processing chamber (CC; Figure 1), as claimed by claim 25

Yonenaga teaches a plurality of support pins ("column" – see plural 48 Figure 1, column 4, lines 4-17) supporting Komino's restrictor plate (46; Figure 1, column 4, lines 4-17).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to add Yonenaga's support pins to Komino's restrictor plate (118a; Figures 2-4, column 6, lines 26-41).

Motivation to add Yonenaga's support pins to Komino's restrictor plate is for adding additional support means in addition to Komino's support means (118b; Figure 2).

6. Claims 7, 8, 13, and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Komino; Mitsuaki et al. (US 6,156,151 A) in view of Yonenaga; Tomihiro et al. (US 5972114 A). Komino is discussed above. Komino does not teach:

- i. The apparatus (Figure 1; column 3, line 60 - column 4, line 54) of claim 6, wherein the restrictor plate (118a; Figures 2-4, column 6, lines 26-41) has a width that is wider at one portion of the restrictor plate (118a; Figures 2-4, column 6, lines 26-41) than at another portion of the restrictor plate (118a; Figures 2-4, column 6, lines 26-41), as claimed by claim 7
- ii. The apparatus (Figure 1; column 3, line 60 - column 4, line 54) of claim 7, wherein the portion having the wider width is adapted for positioning proximate the exhaust port (112a, 2; Figure 1), as claimed by claim 8

Application/Control Number: 10/821,310
Art Unit: 1763

Page 8

- iii. The system (Figure 1; column 3, line 60 - column 4, line 54) of claim 11, wherein the support pins (113, 116; Figure 2) retain the substrate supporting ring (111b; Figure 1,2) non-parallel with respect to a plane defined by a support surface of the substrate support pedestal (114; Figure 1, 4), as claimed by claim 13
- iv. The system (Figure 1; column 3, line 60 - column 4, line 54) of claim 18, wherein the one restrictor plate (118a; Figures 2-4, column 6, lines 26-41) has a width that is wider at one portion of the one restrictor plate (118a; Figures 2-4, column 6, lines 26-41) than at another portion of the one restrictor plate (118a; Figures 2-4, column 6, lines 26-41), as claimed by claim 19
- v. The system (Figure 1; column 3, line 60 - column 4, line 54) of claim 19, wherein the portion having the wider width is positioned proximate the exhaust port (112a, 2; Figure 1), as claimed by claim 20
- vi. The system (Figure 1; column 3, line 60 - column 4, line 54) of claim 20, wherein at least a portion of an outer edge of the one restrictor plate (118a; Figures 2-4, column 6, lines 26-41) reduces a gap defined between the outer edge and an inner wall of the chamber (CC; Figure 1) along one section proximate the exhaust port (112a, 2; Figure 1), as claimed by claim 21
- vii. The system (Figure 1; column 3, line 60 - column 4, line 54) of claim 10, wherein the at least one restrictor plate (118a; Figures 2-4, column 6, lines 26-41) is one restrictor plate (118a; Figures 2-4, column 6, lines 26-41) having an annular shape which completely surrounds the substrate support pedestal (114; Figure 1, 4) and a width that is wider at one portion of the one restrictor plate (118a; Figures 2-4, column 6, lines 26-41) than at

Application/Control Number: 10/821,310
Art Unit: 1763

Page 9

another portion of the one restrictor plate (118a; Figures 2-4, column 6, lines 26-41), and wherein a portion of an outer edge of the one restrictor plate (118a; Figures 2-4, column 6, lines 26-41) contacts an inner wall of the chamber (CC; Figure 1) at least in a location proximate the exhaust port (112a, 2; Figure 1), as claimed by claim 22

Yonenaga is discussed above.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to optimize the dimensions of Komino's apparatus parts restrictor plate (118a; Figures 2-4, column 6, lines 26-41), and support pins (113, 116; Figure 2).

Motivation to optimize the dimensions of Komino's apparatus parts restrictor plate (118a; Figures 2-4, column 6, lines 26-41), and support pins (113, 116; Figure 2) is for influencing process as flow characteristics of Komino's apparatus as taught by Komino (column 1; lines 51-61). Further, it is well established that changes in apparatus dimensions are within the level of ordinary skill in the art.(Gardner v. TEC Systems, Inc. , 725 F.2d 1338, 220 USPQ 777 (Fed. Cir. 1984), cert. denied , 469 U.S. 830, 225 USPQ 232 (1984); In re Rose , 220 F.2d 459, 105 USPQ 237 (CCPA 1955); In re Rinehart, 531 F.2d 1048, 189 USPQ 143 (CCPA 1976); See MPEP 2144.04)

Response to Arguments

7. Applicant's arguments with respect to claims 1-3,5-11,13-16 and 18-22 are have been considered but are moot in view of the new grounds of rejection.

Application/Control Number: 10/821,310
Art Unit: 1763

Page 10

Conclusion

8. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Rudy Zervigon whose telephone number is (571) 272.1442. The examiner can normally be reached on a Monday through Thursday schedule from 8am through 7pm. The official fax phone number for the 1763 art unit is (703) 872-9306. Any Inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Chemical and Materials Engineering art unit receptionist at (571) 272-1700. If the examiner can not be reached please contact the examiner's supervisor, Parviz Hassanzadeh, at (571) 272-1435.


2/1/6

Notice of References Cited		Application/Control No.	Applicant(s)/Patent Under Reexamination BERA ET AL.	
		10/821,310	Examiner	Art Unit Rudy Zervigon 1763

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6,448,536 B2	09-2002	Li et al.	219/390
*	B	US-5,972,114 A	10-1999	Yonenaga et al.	118/715
	C	US-			
	D	US-			
	E	US-			
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*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
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